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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 ASHLEYLYNN CLARE,

9 Plaintiff(s),

10 v.

11 LARRY MATNEY, et al.,

12 Defendant(s).
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2:12-CV-1801 JCM (GWF)

15 **ORDER**

16 Presently before the court is defendant TX Gregory's LV LLC's motion to dismiss for lack
17 of jurisdiction. (Doc. # 15). Plaintiff has filed a non-opposition. (Doc. # 16).

18 It is well settled that the plaintiff has the burden of establishing the court's personal
19 jurisdiction over a non-resident defendant. *Abraham v. Augusta, S.P.A.*, 968 F.Supp. 1403, 1406 (D.
20 Nev. 1997). Defendant argues that plaintiff cannot establish that this court has personal jurisdiction
21 over it, and that this court should dismiss it from the case pursuant to Federal Rule of Civil
22 Procedure 12(b)(2).

23 Plaintiff filed a non-opposition in which she "concedes that she has insufficient facts in her
24 possession at this time regarding the specific business organization and practices of TX Gregory's
25 LV LLC to support jurisdiction." (Doc. 3 16). However, since discovery is ongoing, plaintiff
26 requests that this court exercise dismissal without prejudice. (*See id.*).

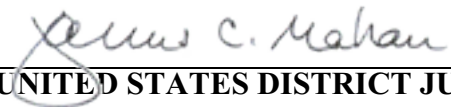
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1 This case is scheduled for an early neutral evaluation (“ENE”) conference. Normally, the
2 court would wait until resolution of the ENE before deciding a motion to dismiss. However, in this
3 case, both parties agree that this court does not have personal jurisdiction over defendant TX
4 Gregory’s LV LLC. The court finds it appropriate to dismiss defendant TX Gregory’s LV LLC
5 without prejudice and to exempt TX Gregory’s LV LLC from the ENE.

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant TX Gregory’s
8 LV LLC motion to dismiss for lack of jurisdiction (doc. # 15) be, and the same hereby, is
9 GRANTED without prejudice.

10 DATED March 13, 2013.

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13 **UNITED STATES DISTRICT JUDGE**